

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.
W. A. DREW EDMONDSON, in his capacity as
ATTORNEY GENERAL OF THE STATE OF
OKLAHOMA and OKLAHOMA SECRETARY
OF THE ENVIRONMENT C. MILES TOLBERT,
in his capacity as the TRUSTEE FOR NATURAL
RESOURCES FOR THE STATE OF OKLAHOMA,

Plaintiff,

vs.

05-CV-0329 TCK-SAJ

TYSON FOODS, INC., TYSON POULTRY, INC.,
TYSON CHICKEN, INC., COBB-VANTRESS, INC.,
AVIAGEN, INC., CAL-MAINE FOODS, INC.,
CAL-MAINE FARMS, INC., CARGILL, INC.,
CARGILL TURKEY PRODUCTION, LLC,
GEORGE'S, INC., GEORGE'S FARMS, INC.,
PETERSON FARMS, INC., SIMMONS FOODS, INC.,
and WILLOW BROOK FOODS, INC.,

Defendants.

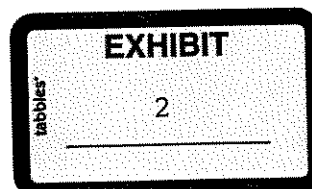
TYSON FOODS, INC., TYSON POULTRY, INC.,
TYSON CHICKEN, INC., COBB-VANTRESS, INC.,
GEORGE'S, INC., GEORGE'S FARMS, INC.,
PETERSON FARMS, INC., SIMMONS FOODS, INC.,
and WILLOW BROOK FOODS, INC.,

Third Party Plaintiffs,

vs.

City of Tahlequah, *et al.*,

Third Party Defendants



**AMENDED NOTICE OF DEPOSITION
AND REQUEST FOR PRODUCTION OF
DOCUMENTS TO OKLAHOMA WATER RESOURCES BOARD**

**TO: Custodian of Records
Oklahoma Water Resources Board
c/o David Riggs
Riggs, Abney, Neal, Turpen, Orbison & Lewis
502 West 6th Street
Tulsa, Oklahoma 74119-1010**

You are hereby notified that pursuant to Rule 30 of the Federal Rules of Civil Procedure, Defendants will take the oral deposition of the Custodian of Records for the Oklahoma Water Resources Board at its offices located at 3800 North Classen Blvd., Oklahoma City, Oklahoma 73118 on December 18, 2006, at 9:30 a.m. and continuing from day to day until completed, before an officer authorized by law to take deposition and administer oaths. The deposition is being taken for the purpose of discovery and for use at trial as well as for other purposes permitted by law.

You are further notified that the Oklahoma Water Resources Board was commanded to produce for inspection and copying by Defendants certain documents as identified in the Request for Production of Documents, which was attached to the original Notice of Deposition served on September 18, 2006, at the time and place of this deposition.

Respectfully submitted by and on behalf of
Defendants:

BY: 

A. SCOTT McDANIEL, OBA # 16460

CHRIS A. PAUL, OBA #14416

NICOLE M. LONGWELL, OBA #18771

PHILIP D. HIXON, OBA #19121

JOYCE, PAUL & McDANIEL, PLLC

1717 South Boulder Ave., Suite 200

Tulsa, Oklahoma 74119

Telephone: (918) 599-0700

Facsimile: (918) 732-5370

E-Mail: smcdaniel@jpm-law.com

-and-

Sherry P. Bartley (Ark. Bar No. 79009)

Appearing Pro Hac Vice

MITCHELL, WILLIAMS, SELIG,

GATES & WOODYARD, P.L.L.C.

425 W. Capitol Ave., Suite 1800

Little Rock, Arkansas 72201

Telephone: (501) 688-8800

ATTORNEYS FOR PETERSON FARMS, INC.

CERTIFICATE OF SERVICE

I certify that on the 25th day of October, 2006, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

W. A. Drew Edmondson
Attorney General
Kelly Hunter Burch
J. Trevor Hammons
Robert D. Singletary
Assistant Attorneys General
State of Oklahoma
2300 North Lincoln Blvd., Suite 112
Oklahoma City, OK 73105
and

J. Randall Miller
David P. Page
Louis W. Bullock
Miller Keffer & Bullock
222 S. Kenosha
Tulsa, OK 74120-2421
and

COUNSEL FOR PLAINTIFFS

Douglas Allen Wilson
Melvin David Riggs
Richard T. Garren
Sharon K. Weaver
Riggs Abney Neal Turpen Orbison & Lewis
502 West 6th Street
Tulsa, OK 74119-1010
and
Robert Allen Nance
Dorothy Sharon Gentry
Riggs Abney
5801 N. Broadway, Suite 101
Oklahoma City, OK 73118

And
Elizabeth C. Ward
Frederick C. Baker
Motley Rice LLC
28 Bridgeside Blvd.
Mount Pleasant, SC 29464
and
William H. Narwold
Motley Rice LLC
20 Church St., 17th Floor
Hartford, CT 06103

Stephen L. Jantzen
Patrick M. Ryan
Paula M. Buchwald
Ryan, Whaley & Coldiron, P.C.
119 N. Robinson
900 Robinson Renaissance
Oklahoma City, OK 73102
and
Mark D. Hopson
Jay Thomas Jorgensen
Timothy K. Webster
Sidley Austin LLP
1501 K Street NW
Washington, DC 20005
and
Robert W. George
Michael R. Bond
Kutak Rock LLP
The Three Sisters Building
214 West Dickson Street
Fayetteville, AR 72701-5221
**COUNSEL FOR TYSON FOODS, INC.,
TYSON POULTRY, INC., TYSON
CHICKEN, INC.; AND COBB-VANTRESS,
INC.**

Robert P. Redemann
Lawrence W. Zeringue
David C. Senger
Perrine, McGivern, Redemann, Reid, Berry &
Taylor, PLLC
P. O. Box 1710
Tulsa, OK 74101-1710
and
Robert E. Sanders
E. Stephen Williams
Young Williams P.A.
P. O. Box 23059
Jackson, MS 39225-3059
**COUNSEL FOR CAL-MAINE FOODS, INC.
AND CAL-MAINE FARMS, INC.**

R. Thomas Lay
Kerr, Irvine, Rhodes & Ables
201 Robert S. Kerr Ave., Suite 600
Oklahoma City, OK 73102
and
Jennifer S. Griffin
Lathrop & Gage, L.C.
314 E. High Street
Jefferson City, Missouri 65101-3004
**COUNSEL FOR WILLOW BROOK FOODS,
INC.**

George W. Owens
Randall E. Rose
The Owens Law Firm, P.C.
234 West 13th Street
Tulsa, OK 74119
and
James M. Graves
Gary V. Weeks
Bassett Law Firm
P. O. Box 3618
Fayetteville, AR 72702-3618
**COUNSEL FOR GEORGE'S INC. AND
GEORGE'S FARMS, INC.**

John R. Elrod
Vicki Bronson
Conner & Winters, P.C.
211 E. Dickson Street
Fayetteville, AR 72701
and
Bruce W. Freeman
D. Richard Funk
Conner & Winters, LLLP
3700 First Place Tower
15 East Fifth Street
Tulsa, OK 74103-4344
COUNSEL FOR SIMMONS FOODS, INC.

Carrie Griffith
114 S. Broadway Street
Siloam Springs, AR 72761
**COUNSEL FOR RAYMOND C. AND
SHANNON ANDERSON**

Teresa Marks
Charles Moulton
Office of the Attorney General
323 Center Street, Suite 200
Little Rock, AR 72201
**COUNSEL FOR THE STATE OF
ARKANSAS AND THE ARKANSAS
NATURAL RESOURCES COMMISSION**

John H. Tucker
Colin H. Tucker
Theresa Noble Hill
Rhodes, Hieronymus, Jones, Tucker & Gable
P. O. Box 21100
Tulsa, OK 74121-1100
and
Terry W. West
The West Law Firm
124 W. Highland Street
P. O. Box 698
Shawnee, OK 74802-0698
and
Delmar R. Ehrich
Bruce Jones
Krisann Kleibacker Lee
Dara D. Mann
Faegre & Benson LLP
90 South 7th Street, Suite 2200
Minneapolis, Minnesota 55402-3901
**COUNSEL FOR CARGILL, INC. AND
CARGILL TURKEY PRODUCTION, LLC**

Michael D. Graves
D. Kenyon Williams, Jr.
Hall, Estill, Hardwick, Gable, Golden & Nelson,
P.C.
320 South Boston Ave., Suite 400
Tulsa, OK 74103-3708

COUNSEL FOR POULTRY GROWERS

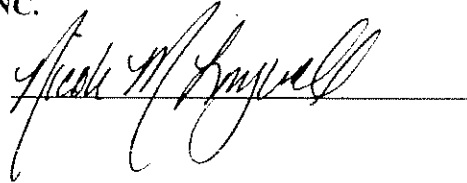
William B. Federman
Jennifer F. Sherrill
Federman & Sherwood
120 North Robinson, Suite 2720
Oklahoma City, OK 73102
**COUNSEL FOR THE STATE OF
ARKANSAS AND THE ARKANSAS
NATURAL RESOURCES COMMISSION**

:

I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

C. Miles Tolbert
Secretary of the Environment
State of Oklahoma
3800 North Classen
Oklahoma City, OK 73118
COUNSEL FOR PLAINTIFFS

Thomas C. Green
Sidley Austin Brown & Wood LLP
1501 K Street NW
Washington, DC 20005
**COUNSEL FOR TYSON FOODS, INC.,
TYSON POULTRY, INC., TYSON
CHICKEN, INC.; AND COBB-VANTRESS,
INC.**

A handwritten signature in black ink, appearing to read "Thomas C. Green", is written over a horizontal line.